

DISTRICT OF COLUMBIA

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ZONING COMMISSION

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ROUNDTABLE

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IN THE MATTER OF:	
ANTENNA TOWER STANDARDS	
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CASE NO:

0029TA

7:00 p.m.
Monday,
March 19, 2001

BEFORE:

Carol Mitten, Chairperson

Kwasi Holman, Commissioner

Anthony Hood, Commissioner

John Parsons, Commissioner

STAFF:

Aberto Bastida, Secretary

Mary Nagelhout

Jennifer Steingasser

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P-R-O-C-E-E-D-I-N-G-S

(7:01 p.m.)

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. I'd like to welcome you to the continuation of the Zoning Commission's roundtable on antennas and antenna towers. Today is March 19th, 2001 and this roundtable is being continued from March 5th. I hope you all had a chance to watch the roundtable on Channel 16. We've been getting a lot of good feedback on that.

My name is Carol Mitten and I serve as Chairman on the Zoning Commission. Joining me this evening are Vice Chairman Anthony Hood and Commissioners John Parsons and Kwasi Holman. We also have with us Alberto Bastida, who's on the staff of the Office of Zoning to my right and to my left we have Jennifer Steingasser from the Office of Planning and Mary Nagelhout from the Office of the Corporation Council.

The Zoning Commission with the assistance of the Office of Planning is holding this roundtable to gather information on antennas and antenna towers from the perspective of land use regulation. We will use this information to assist us in drafting language to amend the zoning ordinance as necessary in order to clarify and improve the regulation of these structures.

The discussion this evening will be limited to the following questions; how should the current zoning

1 ordinance be updated in order to protect the health and safety
2 of the public and/or the character of communities in the
3 District of Columbia while taking into consideration the need
4 for new and expanding telecommunications and broadcast services
5 and what additional language should be added to that zoning
6 ordinance to further define and guide the development of
7 antennas, antenna towers and the structures on which they are
8 erected.

9 I would just like to review the groundrules
10 before we begin. This roundtable will no focus on any specific
11 antennas or antenna towers due to pending litigation and appeal
12 hearings. Providing such information at this roundtable may
13 constitute ex parte communication. Time limits have been
14 established for oral presentations. A list of participants,
15 the order of participation and the respective time limits are
16 available at the rear of the room near the door.

17 We'll be going through the list of people who
18 were deferred from the pervious session so that we could show
19 the video and anyone else who was not able to testify at the
20 first roundtable. There's also a sign-up sheet for anyone who
21 did not all in advance and wishes to speak and we'll call for
22 those folks at that end.

23 If you have any questions regarding the list,
24 please consult with Mr. Bastida. The time limits will be
25 strictly adhered to both to be fair and to insure that everyone

1 has a chance to speak. The time limits are as follows. Each
2 organization, corporation or AMC will be allotted five minutes.

3 Only one representative per organization, corporation or AMC
4 will represent the group and be granted the five-minute
5 allocation. Any other representatives present from the same
6 group may testify as an individual.

7 Individuals will be allotted three minutes each
8 and no seeding of time will be allowed. This roundtable is
9 being taped, not video taped this time but taped. Therefore,
10 everyone must speak into the microphone in order to be
11 recorded. The red light will indicate that the microphone is
12 on. No disruptions from the audience will be tolerated.
13 Anyone disrupting this roundtable will be removed from the
14 building and will not be permitted to give their statement.

15 Flash photography will not be permitted during
16 the meeting. No one should speak unless recognized by the
17 Chair. The order of presentations will be that outlined on the
18 revised antenna roundtable list. Those presenting testimony
19 should be brief and non-repetitive. If you have a prepared
20 written statement, please give copies to staff and orally
21 summarize the highlights only. Please provide the copies of
22 your statement before beginning your oral presentation.

23 Anyone wishing to submit additional relevant
24 information after the roundtable is encouraged to do so and
25 we've already received some helpful information. The record

1 for this roundtable will be held open for 30 days that is until
2 the close of business on April 18th, 2001. All presentations
3 will be timed as I discussed earlier. To assist the
4 participants the time clock will give a one minutes warning
5 signal and display a yellow light. When your time is up and
6 you see the red light, please stop speaking. I will interrupt
7 you if you continue to speak after your time has expired.

8 You will be called forward in panels of four.
9 After all of the panelists have made their oral presentations,
10 I will entertain questions from the zoning commissioners. The
11 staff will be available throughout to discuss any procedural
12 questions. Now, we had a small misunderstanding about time for
13 one of the individuals who testified at the original roundtable
14 and we'd like to give her the first opportunity to speak this
15 evening. Is Cecily Patterson here?

16 (No response)

17 CHAIRPERSON MITTEN: All right, we'll just hold
18 her. So let's begin. Isabel Furlong, Ann Hughes Hargrove,
19 Jerry Maronek, Mike Livingston, Lora Leavy, Richard Prescott.
20 Mr. Maronek, when you're ready, just state your name for the
21 record and you can begin.

22 STATEMENT OF JERRY MARONEK

23 MR. MARONEK: Good evening, Madam Chair and
24 members of the Commission. My name is Jerry Maronek in behalf
25 of the C.D. Preservation League. The D.C. Preservation League

1 or D.C. P.L. was founded 30 years ago as Don't Tear It Down,
2 which resulted in the successful effort to save the old Post
3 Office on Pennsylvania Avenue. DCPL's mission continues to be
4 to preserve, protect and enhance the building environment of
5 Washington D.C.

6 Eighteen years ago out of concern for the
7 aesthetic deficiencies of roof structures and antennas, the
8 Zoning Commission began a major rule making process to regulate
9 them. At the completion of this lengthy process in which the
10 regulations of antennas were separated from other roof
11 structures, the Commission issued order number 587.

12 In the preamble to that order, the Commission
13 quoted from a May 8th, 1985 memorandum from the Director of the
14 Office of Planning that said, in part, "Washington D.C. is a
15 unique city. As the nation's capital it is woven with history
16 and symbolic qualities. It is a classical city, not a space
17 age city.

18 It is filled with ornamental buildings,
19 monumental buildings and classical buildings. It's low
20 horizontal sky line, its strong visual asset that directs
21 attention to itself. Finally, it has numerous neighborhoods
22 with small rear yards, many only 20 to 25 feet deep. The
23 recently adopted comprehensive plan notes the unique importance
24 of the physical appearance of the national capital and seeks
25 protection and enhancement of that appearance.

1 It emphasizes the importance to that appearance
2 of maintaining the height limit and calls for the use of
3 appropriate arrangement of building materials, height, scale,
4 massing and buffering to compliment the existing environment.
5 It also calls for the protection and enhancement of existing
6 residential neighborhoods". These comments are as true today
7 as they were in 1985.

8 The District of Columbia is unique in that it has
9 a congressionally imposed height limit which as served to keep
10 the city plan by L'Enfant and enhanced by the McMillan
11 Commission a low rise city of broad boulevards and great vistas
12 in which our great civic and religious structures generally
13 dominate the skyline. The one exception to this rule is the
14 subject of this roundtable, antenna towers.

15 Antenna towers, in particular the large broadcast
16 towers, are the tallest structures in the city. Five such
17 towers including a partially completed are or will be higher
18 than the Washington Monument. Two are over 600 feet tall and
19 three are over 700 feet tall. In order 587, the Commission
20 added a new section 2519 to the zoning regulations that states
21 that the Commission determined that certain antennas because of
22 their size, shape, design, construction or location, may effect
23 the health, welfare or safety of the population and may detract
24 from the street scape, landscape, skyline, scenic beauty or
25 aesthetic interest of Washington D.C. and its role as the

1 nation's capital.

2 The zoning regulations, therefore, regulate the
3 size, height, construction, design and location of antennas and
4 antenna structures which have the greatest potential for
5 adverse impact on the health, safety and welfare of the
6 population and of the neighborhood quality and on the scenic
7 beauty of the nation's capital.

8 Order 587 set out a regulatory framework which
9 divided antennas into three classes; antennas with the least
10 potential adverse aesthetic impact on -- as an unqualified
11 matter of right, antennas with a somewhat greater potential for
12 such impact as a qualified matter of right and everything else
13 as a special exception subject to specific criteria. In each
14 case, though, the size and height of the antenna and related
15 structure was a critical factor. Basically, whether an antenna
16 was a matter of right or a special exception depended on
17 whether it was within the height within which the Commission
18 determined it could be properly screened.

19 Depending upon the district and whether the
20 antenna was ground mounted or room mounted, the matter of right
21 heights ranged from eight to 20 feet. Every other antenna was
22 allowed only as a special exception. In adopting this order,
23 the Commission strongly affirmed the height act and it's
24 important as one of the primary controls on what are the
25 tallest structures in the city.

1 You have heard from many other witnesses about
2 the miscodification of this order in the D.C. municipal regs.
3 D.C.P.L. urges the Commission to reaffirm that Order 587 as the
4 law on antennas and antenna towers in the District of Columbia
5 and to rescind the technical amendments it made last November.

6 CHAIRPERSON MITTEN: You need to wrap up now.

7 MR. MARONEK: Thank you. In addition to masses
8 of antenna that are sprouting on top of and next to buildings
9 all over the district, large equipment cabinets are often
10 required to support these antennas. To allow these structures
11 would violate the height act and destroy the scenic beauty of
12 the nation's capital. Any necessary equipment sheds must be
13 built within the existing height limitations and be removed as
14 soon as possible. The D.C.P.L. is also concerned about the
15 public's health, safety and welfare.

16 We urge the Commission to require antenna or
17 antenna tower applicants to prove that the site in which they
18 propose to install an antenna will not exceed the FCC's
19 guidelines for human exposure to radio frequency
20 electromagnetic fields when the antenna tower is operating.

21 CHAIRPERSON MITTEN: Can you just wrap it up and
22 maybe just give us a written copy of your statement --

23 MR. MARONEK: Surely, I'll do that.

24 CHAIRPERSON MITTEN: -- so that anything we've
25 missed, we'll have?

1 MR. MARONEK: The Commission should also require
2 that any antennas and related towers and equipment sheds no
3 longer needed should be removed immediately. The D.C.
4 Preservation League thanks the Commission for the opportunity
5 to present its testimony.

6 CHAIRPERSON MITTEN: Thank you, Mr. Maronek. Mr.
7 Livingston.

8 STATEMENT OF MIKE LIVINGSTON

9 MR. LIVINGSTON: Thanks. On behalf of the 4200
10 members of the D.C. Statehood Green Party, I thank the
11 Commission for holding this roundtable and for hearing
12 prospectives based on concern for environmental justice,
13 corporate accountability and D.C. taxpayer assets. At the
14 first session of this roundtable on March 5th, you heard some
15 lobbyists from the wireless industry tell you that you do not
16 have the authority to protect our health.

17 I submit that you know your mandate and that if
18 witnesses here want to assert that the Telecommunications Act
19 alters or limits your mandate, that is for the Federal Courts
20 to resolve and I hope and trust that you will not let anybody
21 sit at this table and tell you what your job is. That said,
22 let's assume the Telecom Act does control and let's assume that
23 it's constitutional.

24 You also heard FCC staff on video tape saying
25 that they do not enforce federal law governing the public

1 health and safety risk factors associated with antennas. They
2 don't have the resources to do that. Somebody has to do that.
3 Local regulations should reflect that need.

4 Local regulations should presume all antennas to
5 violate those federal standards until and unless each antenna
6 is shown to meet those standards. That cannot be done by
7 considering individual antennas on the basis of their site
8 specific impact. It can only be done by considering each
9 antenna on the basis of its incremental impact on residents'
10 cumulative exposure to the M field and that fact alone rules
11 out any regulations that allow any antennas as a matter of
12 right.

13 The National Capital Planning Commission takes a
14 good approach in its guidelines governing antennas on federal
15 land. Those antennas are licensed only for five years at a
16 time and the renewal process requires a statement of continued
17 need. The local regulations should apply those same principles
18 to all antennas. The period, though, should be shorter to
19 insure that each antenna is in continuous compliance with the
20 federal limits on cumulative exposure.

21 One of the industry representatives here on March
22 5th told you, told us all, that in this business even two years
23 is a long time. Finally, the Statehood Green Party would ask
24 you to bear in mind that the wireless industry already benefits
25 from substantial concessions from the public including

1 acceptance of a certain unknown risk to public health and yet
2 most of the neighborhoods and communities effected and served
3 were doing just fine for generations or centuries before this
4 industry came into existence. No permanent harm will come to
5 anybody if local regulations err on the side of caution and
6 that's what we're asking. Thank you.

7 CHAIRPERSON MITTEN: Thank you, Mr. Livingston.
8 Ms. Leavy?

9 STATEMENT OF LORA LEAVY

10 MS. LEAVY: Hi, my name is Lora Leavy. And --

11 CHAIRPERSON MITTEN: Sorry.

12 MS. LEAVY: No problem. -- I have two major
13 concerns about antenna towers that I'd like to address. The
14 first is the threat to public safety from falling objects,
15 specifically ice. I first became aware of this danger when I
16 worked at Channel 20 in Bethesda. In the wintertime the
17 engineers warned us not to park our cars anywhere in the
18 vicinity of the station's tower which was located in their
19 parking lot. I've since learned that other local stations such
20 as WRC and WTTG take similar precautions.

21 Also, it's been reported at the Fourth District
22 Police Station on Georgia Avenue car window have been broken by
23 ice falling from the tower that they had located in their back
24 lot. I'd like to call attention to a statement made by a
25 project engineer for a tower construction company at a zoning

1 hearing in Missouri in January 2000. This engineer stated that
2 in his experience the area of critical damage from falling ice
3 is usually 25 percent of the height of the tower.

4 In light of his statement, I question whether the
5 originally proposed set-back of one-sixth of the height of the
6 tower is sufficient. Many communities require set-backs equal
7 to or even greater than the height of the tower to protect the
8 public not only from ice but also from the possible collapse of
9 the tower itself. It's my hope that the Commission will
10 propose a set-back of at least one-quarter of the height so as
11 to keep people and structures outside the area of critical
12 damage.

13 Further, it's important that the set-back be
14 measured from the base of the tower to any adjoining property
15 line, whether it be residential, commercial or public. The
16 same standard should also apply to side and rear set-backs.

17 My second concern is the number of wild bird
18 fatalities caused by antenna towers. The U.S. Fish and
19 Wildlife Service estimates that collisions with towers kill
20 four to five million birds a year, although many scientists
21 believe this number to be as high as 40 million. Most of the
22 birds killed are song birds that migrate at night and they seem
23 to become disoriented by tower lights. At times the toll can
24 be enormous such as 20,000 birds killed on a single night at a
25 tower in Wisconsin.

1 Until possible solutions are found, the Service
2 has issued guidelines that they hope will reduce bird
3 fatalities. The first guideline encourages co-location of
4 antennas on existing towers or other structures. The second
5 discourages new towers over 199 feet because the FAA requires
6 such towers to be lighted. Because Washington is located on a
7 major fly-way for a great variety of migrating song birds, I
8 urge the Commission to incorporate these guidelines into the
9 application review process with the provision that co-location
10 must not result in radio frequency emissions that exceed
11 federal standards.

12 I would also urge that application for taller
13 towers be subject to rigorous environmental review which should
14 include the impact on migratory birds. I've included the Fish
15 and Wildlife Service guidelines with my written testimony and I
16 thank you for this opportunity to speak.

17 CHAIRPERSON MITTEN: Thank you, Ms. Leavy. Mr.
18 Prescott.

19 STATEMENT OF RICHARD PRESCOTT

20 MR. PRESCOTT: Thank you. I'll just confine
21 myself to a few general comments. About five or six weeks ago
22 I left 10 copies with Mr. Bastida of some color xerox copies of
23 a tower that's under current controversy in terms of -- in the
24 written material in it was couched in terms of set-back. What
25 I wanted you and your colleagues to examine with those pictures

1 was what to prevent from happening in the future. This is not
2 a comment on any specific tower. I was just using one issue
3 under controversy as an example of how set-back needs to be
4 strengthened in future cases.

5 I think looking at those pictures, you can see
6 that the set back that is currently allowed, seems to be
7 allowed under D.C. provisions really allows anomalies to occur
8 in terms of mixed use areas where there's pedestrian traffic,
9 small stores and in co-location with antenna towers. So I just
10 would draw your attention to that item among the many items
11 that I'm sure you've accumulated through this process and would
12 like you to consider that. Thank you.

13 CHAIRPERSON MITTEN: Thank you very much. Any
14 questions for this panel? Any question?

15 MR. PARSONS: I think I'd like to ask Ms. Leavy -
16 -

17 MS. LEAVY: Leavy.

18 MR. PARSONS: Leavy, I did it, too. Let me make
19 sure I understand your testimony. The concern of the Fish and
20 Wildlife Service is antennas over 200 feet; is that right?

21 MS. LEAVY: Right, because those are the ones
22 that require aviation safety lighting.

23 MR. PARSONS: Okay, so it's the aviation safety
24 lighting that's faking out the birds?

25 MS. LEAVY: That seems to be the major problem.

1 MR. PARSONS: So it's not the tower itself, but
2 the lighting.

3 MS. LEAVY: No, I mean there are some small
4 amount of collisions with towers, just as there are collisions
5 with any other objects like transmission lines and whatnot but
6 the vast bird kills that seem to be generating a lot of concern
7 now are definitely caused by the lighting.

8 MR. PARSONS: Do you know if that's white light
9 or red light?

10 MS. LEAVY: I don't know for certain. I do know
11 that strobe lights are considered to be less disorienting to
12 birds although more annoying to people. So there's a trade-off
13 but I believe the guidelines that I've attached to my testimony
14 may mention the strobe lighting.

15 MR. PARSONS: Okay, thank you.

16 MR. HOOD: Madam Chair, I have a quick question
17 for Mr. Maronek --

18 MR. MARONEK: Yes, sir.

19 MR. HOOD: -- if I can read my own writing. You
20 mentioned about the -- and forgive me, I do have a cold. You
21 mentioned about the special exception and I know in reference
22 to what I saw in the order that you referenced, Zoning
23 Commission Order Number 587, one of the issues when it went out
24 for rulemaking was over-abundance or burdensome -- or being a
25 burden on having a number of exceptions dealing with the

1 antenna process.

2 In your testimony you mentioned special
3 exceptions. Do you still see that as being true today even
4 though this order was written back in --

5 MR. MARONEK: 1985?

6 MR. PARSONS: '89 is the one -- Order Number 587.

7 MR. MARONEK: Was that not from 1985?

8 MR. PARSONS: No, it was September 15th, 1988 and
9 February 13th, 1989. So you're referring to something from
10 '85?

11 MR. MARONEK: Yes, sir. That was a report from
12 the Director of the Office of Planning.

13 CHAIRPERSON MITTEN: Maybe just to clarify, Mr.
14 Hood has the order in front of him. You're referring to
15 something -- you're referring to a report from the Office of
16 Planning related to that case?

17 MR. MARONEK: Yes.

18 CHAIRPERSON MITTEN: Okay.

19 MR. HOOD: And that came in '85.

20 MR. MARONEK: That's my understanding, yes.

21 MR. HOOD: Well, either way, do you still see
22 that as being a problem because you did mention the special
23 exception process?

24 MR. MARONEK: I would say, yes, sir.

25 MR. HOOD: Okay, so that would still hold true

1 today.

2 MR. MARONEK: I believe so, yes.

3 MR. HOOD: And so all the panel members, in
4 looking at the order that I have that's dated 1989, one of the
5 issues then at that time was that the Zoning Commission, one of
6 the things the Commission looked as was not to interfere with
7 technology's process, of proceeding of technology. Would you
8 say that some of the things that either one of you have
9 testified today would actually, we would be interfering with
10 things of modern day or would that still hold true today, if
11 you understand my question.

12 MR. MARONEK: That's a very good question, Mr.
13 Hood. I believe I understand it. I don't know if the
14 technology 18 years ago would be the same technology we have
15 today. Whether that, then therefore, equates with that.

16 MR. HOOD: I guess I'm going because I hear a lot
17 of people reference to Zoning Commission Order 587 and
18 unfortunately at the last roundtable I didn't have it in front
19 of me, and I wanted to know if a lot of things that are in this
20 order are still relevant to today and I guess this is where I'm
21 going.

22 MR. MARONEK: I believe it is, yes, sir.

23 MR. HOOD: Okay, so the Zoning Commission at that
24 time had the foresight in a way to look into the future, I
25 guess.

1 MR. MARONEK: It's always been a very good
2 commission, sir.

3 MR. HOOD: Good, good, okay. I guess we'd better
4 follow their lead. Thank you, Madam Chair.

5 CHAIRPERSON MITTEN: Any other questions? Thank
6 you all very much. Okay, we're going to need to have everybody
7 fill out two witness cards, just so the Court Reporter can
8 identify you, two each and then give them to the Court
9 Reporter.

10 MR. HOOD: Madam Chair, your time is up.

11 CHAIRPERSON MITTEN: Evidently. Richard Bartell,
12 Carolyn Sherman, Cliff Rhode, John Graetz, Carmella Venaroso,
13 Nancy McWood, Neil Feldman, James Barry, Richard Wolf, Mr.
14 Phillip Blair. Have a seat up front. And we'll begin with Ms.
15 Sherman. You need to turn on the mike. Just push that button
16 in the center. There you go.

17 STATEMENT OF CAROLYN SHERMAN

18 MS. SHERMAN: Okay, thank you very much for
19 letting us testify tonight. My name is Carolyn Sherman and I
20 live at 4341 Allicott Street Northwest. I am asking you to
21 consider very carefully the policy you adopt for allowing cell
22 towers to be built and placed in our community. The questions
23 that matter for every tower decision are these. Is it safe?
24 Is it fair? Is it legal? And who benefits?

25 Is it safe? Safety matters. Who is the FCC to

1 say that it doesn't? Maybe it doesn't matter to them but it
2 does to us and I believe it does to you. Safety from falling
3 ice, safety from kids climbing up on towers built without
4 enough set-back and safety from a technology no one really
5 understands, a technology whose dangers may be catastrophic and
6 irreversible, a technology so recent that no one can say with
7 certainty that it's safe.

8 The bottom line is this; no one knows. It will
9 take two generations to know for sure. Experts told us
10 thalidomide was safe. Experts told us smoking was safe.
11 Experts told us asbestos was safe. Experts told us Spring
12 Valley soil was safe. We're talking about our children and our
13 grandchildren. We're talking about brain cancer. We're
14 talking about nights in the intensive care unit. Safety
15 matters. Measuring and regulating emissions matters. Does
16 anyone here know how much emissions we're getting in this city
17 now?

18 The second question, is it legal? Laws are made
19 to protect the common good. Height restrictions, set-back
20 laws, public hearing requirements all are reasonable laws, laws
21 that must be followed if a tower is to make any pretense of
22 being legal. Just because a D.C. functionary makes a mistake
23 is not reason to go ahead with a project that's clearly in the
24 interest of no one except a corporation with not roots or
25 interest in our community.

1 Your authority comes from us, not from them. The
2 intent of the law was never to allow a profit hungry company
3 from outside to come in and destroy neighborhoods.

4 Is it fair? The decision to put up a tower must
5 be a product of community input. Large companies must find a
6 way to work productively and respectfully with the people its
7 towers will effect. The idea that they can skulk into a
8 neighborhood and erect something with such an enormous impact
9 on our safety, property values and quality of life without
10 giving us one word of input is an outrage.

11 Isn't it enough that we don't have a vote in
12 Congress? Shouldn't we at least have a voice in what happens
13 within our neighborhoods? You can make that happen. Finally,
14 how benefits from a proposed tower? Let's go a quick cost
15 benefits analysis. We're balancing the cost of unknown and
16 possibly devastating health risks to all of us. The loss of
17 the beauty and serenity of our neighborhoods and a near certain
18 decrease in property values against the benefits of bigger
19 profits for a distant mega-corporation.

20 CHAIRPERSON MITTEN: Ms. Sherman, you need to
21 wrap it up.

22 MS. SHERMAN: Okay, can I have one more sentence?

23 CHAIRPERSON MITTEN: One more sentence, let's
24 have it.

25 MS. SHERMAN: Okay, where should the Zoning Board

1 come out on this issue? I don't think it's a tough decision.
2 Finished.

3 CHAIRPERSON MITTEN: Very good.

4 MS. SHERMAN: Thank you.

5 CHAIRPERSON MITTEN: Thank you. If I would have
6 just waited one more, I wouldn't have destroyed your rythm
7 there.

8 MS. SHERMAN: That's fine.

9 CHAIRPERSON MITTEN: Mr. Graetz.

10 STATEMENT OF JOHN GRAETZ

11 MR. GRAETZ: Hi, my name is John Graetz and I'm a
12 seven-year resident of the District. I've been working for the
13 Federal Government for 13 years where I look out for the public
14 welfare every day and frankly, that's why I'm hear asking you
15 to help us, the homeowners of D.C. in looking out for our
16 public welfare.

17 I'm not an expert in towers. The closest I come
18 to being an expert is that my dad has worked underneath a
19 television tower for 25 years and he has shared with me some of
20 his stories and what he sees as concerns. That said about
21 experts, we've heard from legal folks representing the
22 industry. We've heard from policy makers. We've heard from
23 citizens. None of us are truly experts or at best we have
24 vested interest. I would encourage you to discuss this with
25 independent experts, those who do understand the public and

1 health and safety issues of these towers or at least who
2 purport to.

3 The points that I believe in terms of location
4 are very key, one being safety, we've heard about ice. We
5 haven't heard about tools. Workers are working on these towers.

6 They drop tools. This actually is quite a frequent problem as
7 well. My dad told me of a neighboring tower in Miami, Florida
8 where a toolbox that fell from a tower broke through the roof
9 of the structure below. This is an issue in terms of set-
10 backs.

11 Health issues; it appears that this is still an
12 unknown area but it is certainly one that shouldn't be ignored.

13 We don't know who's funding the health studies. Certainly
14 it's going to take awhile till any of these health studies show
15 any sorts of cause and effect relationships. What I can say is
16 that I understand that when workers are working on the towers
17 they need to turn off the antennas as they pass by them for
18 fear of getting electromatic radiation.

19 I would use the cigarette example as a clear
20 example of something where people did not know there were
21 health risks, perhaps even for the longest time, they're
22 ignored but they did come to roost later on. Spring Valley is
23 another situation where certainly people may have know that
24 putting mustard canisters into the ground would some day poison
25 that soil. But it was done, nonetheless, and there was no

1 accountability for it. This is something that you need to look
2 out for us on.

3 Economic issues; location can have a very
4 damaging impact on a small business, perhaps even some large
5 ones, like the old Heckinger space up in the northwest. If you
6 were a restaurant who had a patio that was adjacent to a tower
7 being built, certainly that would have a traumatic impact on
8 your business. Who wants to sit underneath a tower having
9 lunch, let alone tools falling or something from the tower.

10 Certainly towers are unsightly, health and safety
11 issues, whether real or perceived, this has a damaging impact
12 on any community and the District or Tennley Town for one,
13 shouldn't have to bear the burden of the entire community.

14 One last point I'd like to make that I believe
15 that you should look at prudent standards in other area in
16 addition to talking to independent experts and that certainly
17 in considering any regulations that public input is essential
18 whether it be for environmental, historical or just basic
19 community issues. When I had a fence, built a fence in my
20 backyard four foot high, wooden picket fence, I needed to get
21 my neighbors to sign off for it. It seems to me a tower is a
22 much more significant structure and therefore, there should be
23 an appropriate sign-off process. Thank you very much.

24 CHAIRPERSON MITTEN: Thank you, Mr. Graetz. Mr.
25 Feldman.

STATEMENT OF NEIL FELDMAN

MR. FELDMAN: My name is Neil Feldman and I'm an electrical engineer. At your last meeting you heard from representatives of the cellular phone industry but I was surprised to see that there were no representatives from either broadcast television and radio or mobile business communications. I hope you all understand that these are very different industry. They employ quite different approaches in their utilization of the radio spectrum. By design, cellular phone transmissions are a relatively low power, limited coverage, generally less than two to three miles from the antenna.

This is in contrast to commercial television and radio broadcast or two-way most mobile business communications.

Commercial broadcasters utilize high powered transmitters with high gain antenna arrays. I'm here to share some information and insight into what should concern this Commission when dealing with extraordinary concentrations of high power omni directional electromagnetic field radiation originating within heavily populated areas. I have four points.

One; current FCC, FDA and OSHA field strength safety guidelines are inadequate. You have already learned that the current U.S. standards are significantly higher than in most other countries. It is more disturbing to note that no rigorous studies address the cumulative effects of multiple

1 high power EMF emissions originating from a common point even
2 if each individually are within legal limits.

3 Second, monitoring of excess EMF radiation levels
4 is also inadequate and virtually non-existent. Equipment to
5 property monitor full safety compliance is rare to find even
6 for FCC field engineers. They have limited resources and
7 interest. This suggests an area where I believe the Zoning
8 Commission may exercise some authority. You could develop
9 regulations that place the burden of proper monitoring squarely
10 on potential occupants and/or the tower owners instead of the
11 FCC. You could make them responsible for ongoing proof of
12 compliance. You could mandate that their findings be subject
13 to open public review and scrutiny. You could incorporate
14 compliance as a prerequisite to an annual or tri-annual renewal
15 of tenancies on these towers.

16 Three, you need to be aware that there is an
17 ongoing proliferation of new digital television transmitting --
18 broadcasting transmitters. In fact, there is literally a
19 nationwide doubling of all television transmitters already
20 underway. The FCC mandated a quasi-voluntary migration to an
21 all digital television standard within the next few years.
22 Broadcasters who wish to retain their franchise must now
23 simulcast digital transmissions on a second broadcast channel
24 newly assigned to them.

25 Many of these stations are already on the air but

1 they are operating at reduced power or on temporary antennas.
2 However, the new digital television standard called AVSB is not
3 working out very well. The broadcasters now know that they are
4 going to lose some market coverage in every metropolitan area.

5 This may even prompt them to seek further increases in
6 effective radiated power for their transmissions at some later
7 date. The digital standard is not easily received indoors and
8 the modulation scheme is quite sensitive to catastrophic
9 interference from multiple reflections in urban or mountainous
10 areas.

11 This fact may require many consumers to put up
12 external TV antennas equipped with rotors to receive all the
13 new digital broadcast channels. Cable TV is not going to be a
14 solution to this problem. The cable TV industry is high
15 resistant to carrying the new digital channels. The FCC has
16 also just decided not to try to force them to do so.

17 CHAIRPERSON MITTEN: You need to wrap up now.

18 MR. GRAETZ: Okay, well, you've got my testimony
19 in front of you. You can see where I'm going.

20 CHAIRPERSON MITTEN: Yes, it's very helpful, yes.

21 Thank you. Any questions for these -- oh, I'm sorry, I left
22 one out. I'm sorry. I'm jumping the gun. I was so eager to
23 go to the questions. Mr. Blair, I'm sorry.

24 STATEMENT OF PHILLIP BLAIR

25 MS. BLAIR: That's a good spirit. Madam Chair,

1 my neighbor Mr. Hood from greater Brooklyn and other members of
2 the Zoning Commission, I am speaking tonight in what I think is
3 a title better than anything I've heard yet, which is father of
4 a child. My daughter, Harriet, attends Deal Junior High School
5 and I knew that there were a lot of towers there. You can't
6 not know if you pass by the school but I was surprised at the
7 number of them that I saw from Ms. Likehouse's map of where the
8 towers are.

9 I know that the health issues concerning the
10 towers and the transmission and the electromagnetic radiation
11 and all that is difficult, it's thorny, it's a frontier of
12 research apparently and there is not much consensus. However,
13 there are three things on which I personally think there is a
14 consensus and I think you should pay attention to these three
15 factors.

16 First, as a political fact of life, there must be
17 at least 100,000 registered voters in this city who are
18 parents. Your Board must be seen to be paying attention to the
19 concerns that parents have about their children. Not only must
20 you actually do it, you must be seen to be taking those
21 concerns into account and I urge you to pay special attention
22 to the health of our children.

23 Secondly, we don't have good data available to us
24 right now about where these towers are. I find that just plain
25 amazing. I am already doing what I can working through the --

1 I think this is an accountability issue for the City Council,
2 the Superintendent of Education and the Board of Education and
3 I'm trying to contact all of them about this to get a
4 reasonable inventory of where these installations are,
5 especially if they're near schools. I know even in my neck of
6 the woods where we live in Ward 5, Keane School, for instance,
7 has a lot of towers that are not -- Keane is no longer a
8 school by the way but there are a lot of towers that are
9 located near schools, not on school property.

10 The third thing that I know is that nobody is
11 manning the periscope when it comes to paying attention to what
12 is the cumulative and total radiation to which people in the
13 District of Columbia are being subjected by these towers.
14 That's an appalling situation. I was shocked to see that that
15 is the case. Where do we get that sort of information from?
16 The FCC doesn't have the resources to monitor this sort of
17 thing. I don't think it's reasonable to expect the companies,
18 either individually or collectively, to do it on their own.

19 We live in a city where the mayor of this city
20 has fired an epidemiologist because she discovered rotting food
21 the DCPS warehouse and on children's lunch room plates. So I
22 don't expect the political -- the executive of this city to do
23 a very good job unprompted spontaneously on his own. It seems
24 to me that you all have a very important role here. I dare to
25 suggest to you that you have an obligation to see that

1 monitoring systems are in place and functioning before you
2 continue to award to people the ability to -- the right to
3 build these towers.

4 They're overrunning the city like some weird
5 metallic kudzu and at some point we can't say this is progress.

6 You have to say this, like the dum-dum bullet and the plastic
7 land mine is science marching ahead but taking us to a place we
8 may not want to go. Thank you.

9 CHAIRPERSON MITTEN: Thank you, Mr. Blair. Now,
10 any questions for these folks? Mr. Feldman, I have a question
11 about -- and I don't know if you can answer it. Do you have a
12 sense of how expensive it is to monitor the levels of radiation
13 that are coming off of towers and antennas?

14 MR. FELDMAN: Well, the equipment itself, if done
15 properly is well over 15 to \$20,000.00 just for specific items
16 and that's just the beginning. The problem is that no one has
17 really paid close attention to this and in my opinion some of
18 the monitoring here is difficult to interpret easily the
19 results, so there's also the factor of how long it would take
20 someone to be on location to interpret what they're seeing.

21 Also, because the antennas are directional, the
22 field pattern will vary, so you need to be looking both in
23 space and time and it will change in time. So it's a thorny
24 issue. It's a complex issue which is probably why the FCC
25 would rather wash their hands of it.

1 CHAIRPERSON MITTEN: So, I mean, just to take
2 that example that we saw in the video where the guy had what
3 I'll call a wand, and he went around and I assume he took
4 readings with the wand at various places. What I get from you
5 is that you're suggesting that doing that on just a pass
6 through a location on a day is not sufficient monitoring.

7 MR. FELDMAN: Well, it's a good start because
8 even that's not generally done unless somebody really raises
9 the issue. The FCC generally relies on simulations. They're
10 computer programs which I would say are inadequate. But the
11 FCC's interest is interference. It is not a safety issue in
12 general and this is a new area and what I'm trying to point out
13 is because there are going to be many more high-powered
14 transmitters in the future, especially using new digital
15 transmission standards, it's an area that's wide open. It's
16 brand new and nobody really knows. I don't know the answer.

17 CHAIRPERSON MITTEN: And then in terms of -- I
18 don't know, maybe Mr. Graetz, from his father's experience can
19 answer this or Mr. Feldman, and maybe I'm extrapolating from
20 another situation that's not appropriate, but I know that folks
21 that deal with nuclear radiation, they wear a badge that is
22 measuring their exposure. Is there an equivalent sort of thing
23 that people who work in this industry wear because they receive
24 presumably the highest levels of exposure?

25 MR. FELDMAN: I'm not aware of anything that's

1 that simple. One of the problems is the spectrum is
2 extraordinarily broad and the response of transmissions is very
3 much dependent on the frequency. And so there's -- you know,
4 with nuclear radiation, it's well-known what the decaying is
5 and what they're monitoring and I'm not aware of any easy kind
6 of a badge that would show, for example, that you've been
7 exposed to something dangerous.

8 CHAIRPERSON MITTEN: I see. Any experience from
9 your dad that you --

10 MR. GRAETZ: Well, all I can say is from my own
11 observations. My dad doesn't wear a badge and he's under the
12 tower for his, you know, eight, 10, 12-hour days directly
13 underneath the tower and the folks who are climbing the tower
14 to do the maintenance on the antennas and whatnot, in my
15 observations, they weren't wearing anything special. They were
16 just guys climbing a tower.

17 CHAIRPERSON MITTEN: Okay. Any other questions?

18
19 MR. HOOD: Madam Chair, I just want to ask a
20 quick question. In reading the guidelines, "Officials Guide to
21 Transmitting of Antennas", I keep seeing -- I keep hearing the
22 safety issue but I also keep reading where it says, for
23 example, on page 1 it says, "Guidelines are designed to protect
24 the public health with a very large margin of safety". It
25 appears that the Commission -- this Commission and the

1 Commissions before this one do have a responsibility from a
2 safety standpoint from the guide.

3 So I guess I'm getting conflicting information
4 when I look at what the Telecommunication Act says as far as
5 how much jurisdiction we actually have because like I said
6 previously, our charge on the Zoning Commission is to protect
7 the safety and health of the residents of the District of
8 Columbia and the guide is telling me that same thing. But
9 then, I guess the Telecommunications Act is bits and pieces and
10 maybe it's just up to the local jurisdiction but I just threw
11 that out to lead into my next question.

12 Has there -- kind of piggybacking on the
13 Chairperson's question, has there been an instance with all the
14 antennas that we have here in the District of Columbia, has
15 there been anyone to come out, FCC or someone to come out and
16 actually monitor the exposure in one specific antenna in the
17 city that anyone knows of?

18 MR. FELDMAN: I have not heard that happen yet.
19 It's possible, but generally the FCC would respond to a
20 specific complaint and I don't believe that they're looking at
21 the cumulative effect especially concentrated in heavily
22 populated areas. It's just an area they've conveniently
23 neglected.

24 And you also -- if you consider that the U.S.
25 standard is extraordinarily high, I just heard today that the

1 Vatican has discovered that their emissions are exceeding the
2 Italian standard which is much lower than the U.S. standard and
3 they're now instituting first, you know, monitoring and then
4 they're going to adopt, I assume, some kind of remedy.

5 MR. HOOD: I find that rather -- I don't find it
6 surprising in the District but I think that -- and I would be
7 the first to tell you I don't know how we need to go about it,
8 but I would be in the mindset, Madam Chair, as we go down the
9 road, to insist or I don't know how we can do it. I don't have
10 the inkling but it should be done. We have a lot in certain
11 areas of this city and we need to know exactly what people are
12 being exposed to and if they are.

13 So, I mean, I find that sort of perplexing when
14 the issue has been -- and I saw the video, it's been out there
15 for years but at least right now, I don't know whether it's
16 been done or not.

17 MR. FELDMAN: I can tell you one other thing. I
18 talked to colleagues in the industry and related industries
19 that as people build transmitters and antennas, because I was
20 asked to come in on this issue, and they're very reluctant to
21 share what they know. The industry itself does do tests that
22 they will pay for themselves, but that doesn't mean that they
23 share that information with the public.

24 MR. HOOD: Interesting. Thank you. Mr. Blair?

25 MR. BLAIR: I was going to say that precisely

1 this issue, I mean, it's unreasonable to expect that you all
2 have law degrees and medical degrees and physics degrees and so
3 forth. This is exactly the sort of thing that the
4 epidemiologist of the District of Columbia should be doing and
5 that is a reason that it is particularly troublesome that that
6 office has been politicized and is essentially lingering right
7 now in an ugly death.

8 CHAIRPERSON MITTEN: Thank you. Any other
9 questions? Thank you all. Now, we'll take another pass
10 through the deferred list and then we'll pick up anybody that I
11 might have missed the first go-around. Isabel Furlong, Pat
12 Elwood. We had your written submission from last time. I
13 don't know if you wanted to testify tonight. Come forward.
14 Ann Hughes Hargrove, Richard Bartel, Cliff Rhode, Carmella
15 Venaroso, Nancy McWood, James Barry. I think we have four now.
16 Ms. Furlong, if you'd like to begin.

17 STATEMENT OF ISABEL FURLONG

18 MS. FURLONG: Madam Chairman and members of the
19 Zoning Commission, thank you for the opportunity to participate
20 in this roundtable on the proposed rulemaking for the
21 development of standards for antenna towers. The Klinge
22 Valley Park Association is dedicated to the protection and
23 enhancement of the park systems in the District of Columbia and
24 we are most concerned with the health and safety of the
25 citizens who use these parks for recreation and respite.

1 We urge the Zoning Commission to adopt the
2 position of prudent avoidance of possible health hazards which
3 would be incurred by siting of antennas and transmitters in and
4 near these parks. Worldwide concern is mounting about the
5 possible dangers from electromagnetic field emissions.
6 Countries from the UK to China to Italy have reduced
7 permissible EMF emission levels to far below those now
8 permitted by the United States.

9 CHAIRPERSON MITTEN: I apologize, there's trouble
10 with the --

11 MS. FURLONG: That's okay. We recognize EMF
12 exposure is a potential danger for every neighborhood in the
13 city. I happen to live in Ward 3 near the national cathedral.
14 Just recently I had a new home security system installed. One
15 of the assets of this system was that it could be turned on and
16 off from my bed using a handheld device. However, the
17 installer, the technician could not get the handheld device to
18 work. He said there must be some really powerful interference
19 because this device operates within a radius of 100 feet.

20 Then he looked out my bedroom window and said,
21 "Why you're in a direct line with all those antennas they've
22 got mounted on top of the national cathedral, that's the
23 problem". I have been living and sleeping in that room for 28
24 years. It may be no coincidence that last November my husband
25 died of the same illness, leukemia, which recently claimed both

1 the cathedral's verger, John Krauss and its master carver,
2 Vincent Palumbo. For your records, I include copies of all
3 three obituaries.

4 The cancer rate in the District of Columbia is
5 one of the highest in the nation. It also may be no
6 coincidence that the District of Columbia has one of the
7 highest concentrations of sources of EMF emissions. Thank you
8 for addressing this issue of major concern to all the citizens
9 of the District of Columbia.

10 CHAIRPERSON MITTEN: Thank you, Ms. Furlong. Ms.
11 Hargrove?

12 STATEMENT OF ANN HARGROVE

13 MS. HARGROVE: Thank you. I'm here for the
14 Kalorama Citizens Association. Specifically, at this stage we
15 recommend the following in order to develop amended zoning
16 regulations; more scientific testimony other than from industry
17 representatives and persons connected contractually with the
18 industry, additional exploration and mapping of D.C. land use
19 and radiation exposure situation and mechanisms to update the
20 mapping, a review of the emerging revised codes and legal
21 actions in other jurisdictions, testimony from DCRA and the
22 Environmental Health Administration, an inter-agency task force
23 to address the multi-level problems associated with planning
24 for approving and regulating these facilities and finally a
25 regulatory process which includes D.C. certification of

1 applicants as to potential compliance with radiation levels in
2 relation to federal standards and D.C. monitoring of these
3 facilities.

4 There is a discussion that follows about the
5 difficulty of density of land in relation to populations which
6 I will skip over but simply point out the following; as of tax
7 year 1994 there were 1,839 acres zoned industrial which
8 represents 10 percent of the total of the District of Columbia
9 zoned acres, whereas residentially zoned land some 14,999 acres
10 comprise 85 percent of the land. The discussion in this
11 section of the testimony deals with the unsuitability of the
12 industrial land even for the use which we might make it.

13 With the special pressure of constricted land
14 opportunities for this use and associated residential
15 populations, existing facilities must be mapped for purposes of
16 further planning and siting. Siting of towers and antennas
17 should be reviewed in relation to their apparent radiation
18 emissions and compliance with federal standards as well as to
19 their proximity to residential and other population, hospitals
20 and health facilities, recreation areas and schools. The
21 Office of Planning should work with the District's Health
22 Department, the NCPC and other relevant authorities to
23 undertake this project and update the work regularly.

24 This work should be done in conjunction with
25 strategic planning studies which would address future potential

1 land uses for particular sites. The basic issue of where these
2 issues should go can't be fully resolved until we have a good
3 fix on where they are now and what the planning efforts are to
4 be for the various areas potentially effected that are not now
5 fully developed or inhabited and to what extent we want to
6 gamble on possible health risks.

7 I want to raise the issue of special exception
8 coverage. The new regulations should provide that the special
9 exceptions should be approved for a period of five years
10 subject to the condition that at any time the FCC standards for
11 RF exposure is changed so as to render the facility non-
12 complying the facility cannot continue to operate unless it can
13 be brought into compliance. Perhaps a grace period is
14 necessary. I don't know what that should be and I go on to
15 discuss the NCPC guidelines which do not include further
16 radiation studies the second time around after you've already
17 been approved once.

18 As for the District regulations, whether we do
19 this every five years or within a five-year period, how do we
20 go about achieving the standard and how will it be measured,
21 that whole discussion is related to the issue that was brought
22 up at the last roundtable. Related issues, that of exploring
23 of dealing with facilities that are presently existing, the
24 issue here is simple, in view of the Zoning Act of 1938 as
25 amended, how much latitude is there for allowing non-conformity

1 of existing facilities to continue at least as to radiation
2 standards and possibly also in relation to any locational
3 criteria developed.

4 This bears further exploration. Careful drafting
5 of the standards for new installations and their subsequent
6 monitoring if our options are limited on actions that can be
7 taken with existing facilities, is essential to avoid problems
8 with changing standards in the future. In other words, if we
9 specify in the new regulations that they will have to come in
10 compliance with the standards as they change, we'll be in a
11 much better situation in the future.

12 Now, with regard to the initial approval of
13 facilities, we need to examine the spacing standards or set-
14 back standards much more thoroughly. The radiation parameter
15 must not only be measured at ground level but also from the
16 points along the tower where radiation is emitted so that, for
17 example, a four-story building a short distance away with
18 stories at the same level as the emitting radiation from the
19 tower would be protected against excessive radiation. While
20 locational criteria are essential for our regulations,
21 including the possibility of an absolute spacing standard of
22 say 300 feet, so are measurements relating to radiation
23 including cumulative radiation.

24 Measurements of cumulative radiation will have to
25 be accomplished through spectrum analysis and use of the

1 expensive equipment you heard about a few minutes ago.

2 CHAIRPERSON MITTEN: I need you to summarize at
3 this point.

4 MS. HARGROVE: I would suggest that you look at
5 the last portion of the testimony which is the recommendation
6 for emergency orders and the possibility that you can undertake
7 them and still be in compliance with the Federal Communications
8 Act and also the attachments which go to good descriptions of
9 case law and emerging zoning patterns in other cities.

10 CHAIRPERSON MITTEN: Thank you very much. Ms.
11 Elwood.

12 STATEMENT OF PATRICIA ELWOOD

13 MS. ELWOOD: Yes. Good evening, Madam Chair and
14 members of the Zoning Commission. For the record, I am
15 Patricia Elwood, Vice Chairman of the National Capital Planning
16 Commission and Chairman of the Commission's Antenna Task Force.

17 Our antenna task for is a sub-group of the Commission that has
18 researched the effects of antenna on federal interest and has
19 developed guidelines as have been mentioned for our Commission
20 to follow in the review of antenna proposals on federal
21 property.

22 I am pleased to be here with you this evening to
23 share the Commission's thoughts concerning ways to provide for
24 expanding telecommunications services without compromising the
25 beauty of that nation's capital. The Commission believes that

1 with careful and timely planning the broad streets and public
2 spaces, grand vistas and clean building lines characteristic of
3 our city can and must survive intact in this age of wireless
4 telecommunications.

5 The Commission has realized that
6 telecommunications equipment primarily antenna and their
7 support structures, could greatly and adversely effect the
8 appearance of the national capital region including, of course,
9 the District of Columbia. In 1988 the Commission established
10 guidelines for the design and installation of antenna on
11 federal property with a goal of diminishing the aesthetic
12 effects of antenna on the skyline of the nation's capital and
13 the appearance to the federal public lands.

14 The guidelines sought to accomplish this by
15 regulating the size, location and appearance of the antenna and
16 by limiting the approval period to five or 10 years, to
17 encourage a periodic re-examination of the continuing need for
18 the antenna that have been installed. The remainder of my
19 testimony will summarize the criteria for the design and
20 location of antenna and antenna structures contained within
21 these guidelines which I will be submitting to the Zoning
22 Commission later.

23 Our guidelines require all telecommunications
24 facilities to be consistent with the policies in the federal
25 elements of the comprehensive plan for the national capital

1 which specifically address the location and design of
2 telecommunications facilities on federal properties. In
3 addition, the guidelines require antenna to be designed and
4 installed in a manner that minimizes or eliminates visual
5 impacts on adjacent properties, including public rights of way
6 and nearby residential areas.

7 Rooftop antennas should be installed at the
8 lowest possible elevation above the roof line set back from the
9 edge of the building a distance at least equal to the antenna's
10 height above the roof and screened as appropriate from public
11 view. Ground level antennas should be sited in locations that
12 minimize public views, installed at the lowest possible
13 elevation above ground and screened as appropriate.

14 Materials used in the construction of antenna and
15 their mountings, should not be bright, shiny or reflective and
16 should be of a color that blends with the building's material
17 and landscape. No commercial advertising is allowed on an
18 antenna or support structure. Signals, lights and illumination
19 are not permitted on antenna or support structures unless
20 required by the Federal Communications Commission, the Federal
21 Aviation Administration or other Federal Government agencies.

22 We are now in the process of updating our antenna
23 guidelines, much as you are, to insure that we keep pace with
24 this rapidly evolving technology and at the same time protect
25 the federal interests that we are responsible for. However,

1 the Commission believes that the responsibility for preserving
2 the beauty of the nation's capital is shared between the local
3 and the Federal Government. We would, therefore, be happy to
4 continue working with the Zoning Commission in this effort to
5 insure the development of compatible regulations to protect
6 both local and federal interest. We will solicit your comments
7 on the proposed revisions to our antenna guidelines and we look
8 forward to providing comments on your proposals as well. Thank
9 you for the opportunity to share our thoughts with you this
10 evening.

11 CHAIRPERSON MITTEN: Thank you very much. Ms.
12 McWood?

13 STATEMENT OF NANCY McWOOD

14 MS. McWOOD: Madam Chair, my name is Nancy McWood
15 and I am the Chair of the Advisory Neighborhood Commission 3C
16 and I am testifying on behalf of the AMC. I appreciate the
17 opportunity to testify today on standards that should be
18 included in Title XI Zoning District of Columbia Municipal
19 Regulations concerning development standards for antennas and
20 antenna towers. ANC 3C has two overriding concerns. The first
21 is for the health and safety of our residents, particularly the
22 elderly and children. The second is for the preservation of
23 the natural beauty and the creative beauty found throughout the
24 District of Columbia.

25 The technological exposure that occurred in the

1 1990's should not dictate the future of a city that more than
2 any other American city represents our country's rich past and
3 our promising future. It seems more appropriate that the
4 District of Columbia should display the foresight and courage
5 to manage creatively and assertively an industry that is moving
6 too fast to consider its legacy on our population.

7 ANC 3C has considered the substantive law
8 governing antennas and antenna towers to be the Zoning
9 Commission's February 2nd, 1989 order number 587. We continue
10 to support the provisions in Section 211 and 212 that require a
11 special exception for the construction of antenna towers over
12 12 feet in residential districts and 18.5 to 20 feet in
13 commercial districts.

14 Similarly, we support the requirement for set-
15 backs on all lot lines at least one-sixth the height of the
16 proposed tower. Reasonable spacing of towers away from
17 population areas is extremely important. The prospect of
18 falling ice or falling metal from wind or storm damage or
19 defective structures injuring pedestrians, damaging cars or
20 adjacent structures is less likely the farther the tower is
21 from lot lines. Applying the same rationale, ANC 3C urges the
22 Zoning Commission to exclude public spaces, such as sidewalks,
23 parks, streets, from being counted as part of the set-back
24 allowance.

25 ANC 3C wants to emphasize our concern that

1 everyone living, working or visiting in the District of
2 Columbia be protected from adverse conditions related to the
3 siting of antenna towers. We would, therefore, recommend that
4 the Zoning Commission increase the required set-backs from all
5 lot lines when towers are constructed adjacent to hospitals,
6 schools or universities, nursing homes, homes for the aged,
7 senior citizen centers and residences. A set-back of one foot
8 for every six feet of tower is not sufficient when the tower is
9 in proximity to people who will have prolonged and unavoidable
10 exposure to radio frequency emissions.

11 While there may not be definitive evidence, the
12 radio frequency radiation exposure will adversely effect public
13 health, there are increasing numbers of studies that report it
14 will or could. In this regard, the Federal Communications
15 Commission requires applicants for FCC permits for antennas to
16 inform hospitals and other health care institutions about the
17 equipment being installed so that potential interference can be
18 avoided. It seems to ANC 3C prudent at this time to insure
19 that our children, our elderly, our sick and our families are
20 shielded as much as possible from radio frequency radiation by
21 requiring additional set-backs of towers in the locations
22 mentioned above.

23 ANC 3C further recommends that the Zoning
24 Commission require data on radio frequency emissions for each
25 antenna on a new or pre-existing antenna tower as well as data

1 on the aggregate radio frequency emissions for the entire tower
2 as part of the permitting process and a new renewal process.
3 While the Federal Communications Commission has exposure
4 standards, they have little or not means of enforcing them. It
5 is critical that the District of Columbia insure its citizens
6 that it intends to enforce the FCC limits on radio frequency
7 emission exposure. We can do this by requiring applicants to
8 provide radio frequency emission field measurements taken by a
9 certified professional for each proposed new antenna as well as
10 the cumulative emissions from a site where the antenna or
11 antenna tower is to be erected.

12 The same standards should apply to antenna
13 additions to existing towers. In recognition of the
14 extraordinary advances that are taking place in
15 telecommunications technology, ANC 3C recommends that zoning
16 regulations be amended to parallel the National Capital
17 Planning Commission's time limit guidelines for antennas
18 erected on federal property. As you already heard, NCPC
19 limits approval to a period of five years with renewals
20 predicated on an assertion of continued need, continued
21 adherence to all current permitting requirements and the
22 absence of alternatives that would improve the visual siting
23 an/or the radio frequency emissions.

24 Finally, ANC 3C ends its statement with the most
25 obvious recommendation. We recommend that the zoning

1 regulations regarding permitting of antenna towers include
2 consideration of the impact of the siting of the tower on the
3 skyline and important vistas of the District of Columbia. ANC
4 3C further urges the Zoning Commission to exclude all non-
5 residential antennas from historic districts or historic or
6 landmark properties --

7 CHAIRPERSON MITTEN: You need to summarize now.

8 MS. McWOOD: -- which are subject to Title XI
9 zoning regulations. ANC urges that replaced, non-functioning
10 or abandoned antennas or antenna towers be dismantled. Thank
11 you very much.

12 CHAIRPERSON MITTEN: Thank you. Any questions for
13 this panel?

14 MR. PARSONS: Ms. Hargrove, I'm intrigued by your
15 call for a telecommunications plan. At this point, I can
16 imagine you're throwing up your hands on consternation, I think
17 the way you went on but can you describe this a little bit? It
18 seems as though you're talking about guidelines and not a
19 physical plan that would locate, for instance, a suitable place
20 to build towers or antennas as in antenna farms but rather
21 dealing with the health issues and those kinds of things. Am I
22 understanding what a telecommunications plan is?

23 MS. HARGROVE: Well, it's really related to the
24 notion that was need a better coordination among the government
25 structure here to deal with this rather complicated problem.

1 And, in fact on the last page, I pointed out there would be
2 ways to pay for some of this, such as San Francisco does, and I
3 calculated some of their formulas by way of contrast with what
4 we do here, which I've also enumerated on that page.

5 But this is not an uncommon procedure to ask for.

6 Various states are asking for these kinds of plans to be
7 created. I don't know what fully their content should be but
8 I've suggested that a first step to even prepare one would be
9 that we've got to know what we've got. We don't have a good
10 map that shows where all these facilities are. We don't have
11 any kind of strategic analysis of what to do about future
12 possible locations because if you look at the limited amount of
13 industrial land we've got and the limited amount of vacant land
14 we've got, as some of you know, there are already all kinds of
15 plans being put forward for the use of that land, which might,
16 in turn, be in conflict with the establishment of a large say
17 tower complex that -- with many antennas. So we need to have,
18 first of all, just an analysis of what we've got.

19 The second thing we need to do is to perhaps get
20 some help in changing what our code does. Right now we have
21 absolutely no -- nothing in the permitting process, as is
22 discussed on the last page here, in which there is anything
23 other than a review of say x-ray machines, which is a different
24 type of radiation than we're talking about. We have no
25 certification process at all. The NCPC is suggesting that

1 there would be one in the sense that the applicant would have
2 to say that he is in compliance with the federal standards but
3 we don't even require that. We make just minimal charges for
4 these things and they just go up willy-nilly.

5 So we need to be able also to be able hopeful to
6 at least change that requirement as part of the overall plan of
7 this thing. Secondly, ideally we should be able to fund that
8 department to go even further to be able to monitor these
9 facilities once they're up and, perhaps, even to check them a
10 the end of the five-year period. That's also being provided
11 for in some other locations in this country and would be a good
12 thing to do if we could gather together resources enough to do
13 it, because, of course, you know what the budget problems are
14 in the district.

15 All of this suggest that even to think in this
16 direction there's going to have to be some coordination with
17 the other agencies of government involved. The council for
18 example, if we talk in the section of which we talked about,
19 non-conformity, which is a serious issue because we've got a
20 lot of stuff out there we shouldn't have, even in -- I suspect
21 in relation to regulations that were enacted in 1989, but
22 certainly we don't want to enact some new ones that don't
23 provide for the contingency that they will be non-conforming
24 later on as to radiation standards.

25 So hopefully, we will be able to write

1 regulations which specify that they will have to come in
2 compliance within a certain time frame, whether it's five
3 years or even within the five years. If we put that as an
4 advance consideration maybe we can get somewhere, but it seems
5 to me all of this fits together and without it, we're sort of
6 swimming around in a very difficult soup.

7 You've heard some testimony from the experts.
8 Some of us have made an effort to go to conferences and read
9 the literature and to talk to experts. We had -- and Lico and
10 I and some others had a conference today with an expert we
11 hired to try to make us be brighter on this subject. It is
12 extremely complicated. Even taking the measurements are very
13 complicated which one witness said, you know, might be one of
14 the reasons the Telecommunications Act stayed clear of it but I
15 think suspect it wasn't that reason. I suspect it was just
16 sheer money.

17 But in any event, these are things we need to
18 anticipate. If there is a future health problem, we really
19 need to anticipate it now by bringing all the pieces together
20 and I don't know to what degree this particular commission
21 would set up task forces of the sort that has occasionally been
22 done in the past around major issues like this but it might be
23 very much worthwhile doing so. We do need testimony I think
24 from DCRA and also from the Health Administration.

25 If you talk with some of the latter people, some

1 of their personnel, they feel very much this is a missing link,
2 you know, that they don't have any authority to even get a
3 certification from -- and after all, if we got the
4 certification that Ms. Elwood was talking about, we would have
5 a certification which would be -- could be challenged if the
6 agency involved or if the applicant involved lied in the
7 process. So that would be a very important thing to do.

8 MR. PARSONS: Thank you.

9 MR. HOOD: Ms. Elwood, I just wanted to ask you
10 and this may be my last question because I seem like I can
11 hardly talk, do you know, to your knowledge, of any antennas in
12 D.C. that have been tested for emissions?

13 MS. ELWOOD: In D.C.

14 CHAIRPERSON MITTEN: You need to turn on your
15 microphone. Turn on the mike?

16 MS. ELWOOD: On D.C. property?

17 MR. HOOD: Right.

18 MS. ELWOOD: No, I don't. I can't comment on
19 that.

20 MR. HOOD: Okay, what about federal property?

21 MS. ELWOOD: We leave it up -- as far as the
22 National Planning Capital Planning Commission, we leave as with
23 -- we leave that up to the responsibility of the applicant to
24 state that the emissions comes in under the or in compliance
25 with the ANSI standard. We do not go out and test it. Nobody

1 goes out and tests it. Right now, it's only on the word of the
2 applicant but it is nice to have that in the application
3 because if there is anything that comes up later, at least
4 you're putting the responsibility for the compliance onto the
5 applicant.

6 MR. HOOD: I wonder do that applicants -- I
7 notice in the file, do they actually do that, I wonder. I
8 guess you wouldn't know.

9 MS. ELWOOD: Do they test?

10 MR. HOOD: Yeah, do they actually test it or do
11 they just come in and say, "We've already done it, it's okay"?

12 MS. ELWOOD: We would hope that they are
13 presenting facts.

14 MR. HOOD: Okay, thank you.

15 CHAIRPERSON MITTEN: Just to follow up on Mr.
16 Hood's question, is the statement of compliance, "We declare
17 that we are in compliance" as opposed to a report that
18 establishes compliance?

19 MS. ELWOOD: It's a, "We declare that we are in
20 compliance".

21 CHAIRPERSON MITTEN: Okay, and the --

22 MS. ELWOOD: Based on what they have tested
23 themselves.

24 CHAIRPERSON MITTEN: Okay, but there's no actual
25 report of the testing.

1 MS. ELWOOD: Sometimes they might report their
2 actual testing but it's really -- in our reports it comes
3 through from staff that -- who reviews it first before we, as
4 commissioners, see it, they either -- and I'd have to rely on
5 staff for this but in our reports it says the applicant has
6 reported that they meet the ANSI standards.

7 CHAIRPERSON MITTEN: Okay, and then there's this
8 aspect of your approval process that's based on need. How is
9 that established or is that again, "We declare that there is a
10 need and let us go"?

11 MS. ELWOOD: Yeah, it is and I will say that when
12 we, the National Capital Planning Commission first saw this
13 plethora -- that this problem was coming along, then we
14 immediately began listening actually to the complaints and to
15 the concerns of many D.C. residents who came before us to
16 testify from this task force.

17 So we were very early in the process in trying to
18 meet this problem and to try to tackle it in a way that would
19 not adversely effect the nation's capital and the surrounding
20 area both aesthetically and we have tried to tackle the health
21 problem and when we last tried to tackle it, there was no --
22 there are not direct correlations between, direct correlations
23 as in tobacco, there were no direct correlations and we can't
24 say that there are, but increasingly I know in Britain that
25 there are -- and I just read interestingly about the Holy City,

1 the -- I don't know if anybody has mentioned that --

2 CHAIRPERSON MITTEN: Yes.

3 MS. ELWOOD: But they are making them shut down
4 their radiation -- their emissions because they're three times
5 what it should be. So in answer to your question, we are now
6 in review stage of our already existing guidelines and we will
7 be talking about maybe seeing how we can strengthen it or
8 update them.

9 CHAIRPERSON MITTEN: Thank you. Any other
10 questions?

11 MR. HOLMAN: Just one question for Ms. Elwood. A
12 lot has been said about the fact that -- or it's been alleged
13 that U.S. companies are not interested in doing the kinds of
14 epidemiological studies that are necessary to determine if
15 there is a relationship. Are you aware of other countries or
16 other studies that are ongoing that might shed some light on
17 this?

18 MS. ELWOOD: I believe that Europe is ahead of us
19 in this manner.

20 MR. HOLMAN: I'd certainly be interested in
21 seeing any information that you have or that others have that
22 bear on that subject.

23 MS. HARGROVE: Mr. Holman, if I may, one major
24 difference in the other countries that she just eluded to and
25 us is that their governments are putting in a lot of money on

1 these studies and there are quite a few and several of us have
2 been accumulating all this stuff and we need to get our heads
3 together to give you what you already don't have. And I don't
4 know whether you'll read it but there is an awful lot of stuff
5 from Australia, England, France, Italy, the Scandinavia area,
6 all about this issue, a lot of studies.

7 It probably will be another five or 10 years
8 though before we have anything terribly definitive. If you
9 want to know something more about the industry, there is a new
10 book out by a Dr. Carlo, on cell phone radiation which was just
11 published this year. The intriguing thing about it is that
12 it's almost like a novel of how the industry approached this
13 issue.

14 MS. ELWOOD: And Mr. Holman, I'd like to add that
15 several congressmen have often attached riders to bills to ask
16 the telecommunications industry to use some of their profits to
17 research the possible health effects of radiation, sort of a
18 self-monitoring device.

19 CHAIRPERSON MITTEN: Thank you. Thank you all
20 very much. Now, I'll run through the list of people that we
21 either -- that we missed the first go around and that may be
22 here this evening. Guy Gwynne. Is Cicily Patterson here?
23 Terrance Johnson? Barbara Morgan.

24 MR. LEWIS: I'm representing Barbara Morgan, Jim
25 Lewis?

1 CHAIRPERSON MITTEN: Didn't you testify the first
2 time, Mr. Lewis?

3 MR. LEWIS: Yes, I did.

4 CHAIRPERSON MITTEN: And you spoke on her behalf.

5 MR. LEWIS: Yes.

6 CHAIRPERSON MITTEN: All right, thank you. James
7 Jones? Marsha Glenn, Christopher Rose? Anybody else? Anybody
8 else that we didn't pick up. Okay, Mr. Gwynne, you are the
9 clean-up hitter here.

10 STATEMENT OF GUY GWYNNE

11 MR. GWYNNE: I have written testimony that is
12 being distributed now, Madam Chair. Much of it is along that
13 same lines that we have been hearing so well expressed here
14 tonight. I would just go through two paragraphs of this and
15 then get into a idea that may contain a solution for some of
16 the problems that are facing the Commission right now.

17 I just want to make a point that with regard to
18 electromagnetic radiation and EMF, electromagnetic fields, the
19 Commission will recall that the reason cited by the city
20 government for refusing a work permit to the former Georgetown
21 University commercial power plant case was prudent avoidance.
22 This wisely referred to the fact that it is not proven that
23 constant bombardment by EMF's does not harm human beings. A
24 number of non-electricity industry studies have shown real
25 danger, particularly studies from Sweden.

1 There are a lot of publications out there, Mr.
2 Holman. It shouldn't be too hard for staff to gather some of
3 these up and some are in book form and that sort of anthology.

4 And there is also -- I can get this to you later, a
5 electromagnetic times or something, there's a publication that
6 follows this and I have the card at home, which I'll forward on
7 for your attention.

8 Children allegedly are particularly sensitive to
9 such cancer causing radiation. The jury is definitely out on
10 this important particular and the Commission and the Office of
11 Planning should take this into consideration when drafting
12 final regulations. Then lastly on this, not only huge discrete
13 antennas could be a risk but conglomerations of smaller towers
14 could pose an aggregate risk and should also be specifically
15 regulated by means of required up front developer projections,
16 plans and intentions during the application process.

17 We understand that now the accretion of
18 additional towers or antennas onto existing antenna towers is a
19 matter of right.

20 This should be brought within the regulation
21 process and I'll complete my testimony by noting, perhaps this
22 is useful, it came out in the -- especially for you, Mr. Hood,
23 based on your question.

24 It came out in the Georgetown case 10 years ago
25 as our lawyers were working with the Public Service Commission

1 and the Office of the People's Council, and the Zoning
2 Administrator both the Public Service Commission and
3 particularly the office of -- I'm sorry, and particularly the
4 Public Service Commission and also the Office of People's
5 Council are enabled by law to mount very significant technical
6 studies on anything.

7 Such studies usually cost -- for instance the
8 latest Federal City Council study on Pennsylvania Avenue cost
9 \$100,000.00. They're worth it. In fact, if we're going to get
10 good studies, that's what studies cost. Something on the
11 present situation in Washington on the present situation of the
12 industry, some study like that, if your organization here is
13 coordinating with the other organizations in the government, I
14 don't see how you can avoid it. The Public Service Commission
15 or the Office of People's Council could -- if you all were to
16 decide mutually, could conduct those studies and charge them
17 off to the applicants. That's written into the law also.

18 In other words, our agencies simply don't have
19 this kind of budget for discrete studies. However, the
20 mechanism is there for very fairly, I submit, charging --
21 making the studies, charging them off to the developers which
22 in this case is a broad range of organizations. If it costs
23 100, if it costs 120,000, it's worth it. In DCRA our lawyers
24 uncovered also -- I can't site the part of the law by DCRA
25 allegedly has the same power to run studies and charge them

1 off to applicants.

2 Perhaps the Zoning Administrator, you might think
3 about that. I think your best bet would be the Public Service
4 Commission, which has a very definite interest in this sort of
5 thing and the Office of People's Council under very capable
6 Mrs. Noel and her very capable staff there, they also have the
7 same powers there. I'm not saying the Public Service
8 Commission is not equally as gung-ho. I submit that for the
9 record and for your consideration.

10 That may be in a resource starved city
11 organization which is basically what we have throughout the
12 organizations and limited legal help and limited technical
13 assistance. These studies financed by the industry --

14 CHAIRPERSON MITTEN: You need so summarize.

15 MR. GWYNNE: -- may be the answer. So I submit
16 that for that it's worth.

17 CHAIRPERSON MITTEN: Thank you very much. Any
18 questions for Mr. Gwynne. Thank you.

19 Well, I think we're ready to conclude and I heard
20 from a few people they were recommending that we have a task
21 force and we've anticipated that and what we are planning to
22 set up is an advisory council because it's clear that the next
23 step is to get us better informed.

24 I mean, what we now know is how much we don't
25 know. And we need some folks out there, many of whom have

1 testified, to help us get educated and provide factual
2 information for us so that we can understand what we're trying
3 to regulate, so that we can properly understand the federal
4 guidelines for both communications and telecommunications, so
5 that we can find out what's going on in other jurisdictions,
6 whether it's locally or nationally.

7 San Francisco had been mentioned this evening.
8 So we're looking forward to calling on some of the folks who
9 have testified from both the citizenry and the business
10 community to help guide us through this process because we
11 don't want to prematurely come out with regulations before we
12 fully understand what we're dealing with. So I thank you on
13 behalf of the Commission for your participation in this process
14 and look forward to taking next steps with you. Have a good
15 evening.

16 (Whereupon, at 8:27 p.m. the above-entitled
17 matter was concluded.)
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